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February 15, 2018

Via ECF

The Honorable Judge Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount
Antitrust Litigation*, Case No. 1:05-MD-1720 (MKB)(JO)

Dear Judge Brodie:

I write on behalf of Rule 23(b)(3) Class Plaintiffs (“Class Plaintiffs”) in response to your Order of February 12, 2018, requesting that we file a redlined version of our Third Consolidated Amended Class Action Complaint (“TCACAC”).

The TCACAC updates allegations contained in three prior operative complaints filed in 2009 – the Second Consolidated Amended Class Action Complaint (“SCACAC”), the First Amended Supplemental Class Action Complaint regarding the MasterCard restructuring (“FASCAC”), and the Second Supplemental Class Action Complaint regarding the Visa restructuring (“SSCAC”). It also includes new allegations to reflect developments that occurred since the prior operative complaints, strikes some allegations, and moves others. Because the TCACAC consolidates three complaints into one and uses a different organizational structure than the prior complaints, word-processing software cannot automatically create a redlined version of it. Class Plaintiffs therefore manually created a redlined document that attempts to demonstrate the differences between the prior operative complaints and the current complaint.

We attach a redlined version of the TCACAC created using this manual process. For the Court’s reference, the table below roughly matches the paragraphs in the redlined TCACAC with the equivalent paragraphs in prior pleadings. Because of the limitations of word-process software and the nature of the shift from three operative complaints to one, some paragraph numbers are repeated in the redlined document while others appear to be skipped. Some paragraphs that were moved appear to be inserted as new allegations.

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TCACAC Paragraph	Tracked From
1-70(a)	SCACAC ¶¶ 1-115(a)
70(b)	SSCAC ¶ 230 (a) (for Visa allegations) FASCAC ¶ 265(a) (for MC allegations)
70(c) - 130	SCACAC ¶¶ 115(c) - 173
131-44	SCACAC ¶¶ 135-47
145-51	SCACAC ¶¶ 401-07
152-68	SCACAC ¶¶ 178-88
169-72	SCACAC ¶¶ 238-45
173-97	SCACAC ¶¶ 189-99
198-201	FASCAC ¶¶ 79-89
202-16	FASCAC ¶¶ 90-146
217-24	FASCAC ¶¶ 149-62
225-54	SSCAC ¶¶ 74-121
255-304	SCACAC ¶¶ 246-48
305-25	SCACAC ¶¶ 249-60
326-33	SCACAC ¶¶ 246-48
334-36	SCACAC ¶¶ 175-77
337-64	SCACAC ¶¶ 271-91
First Claim for Relief through Fifth Claim (¶¶ 408-51)	First Through Ninth Claims for Relief SCACAC (¶¶ 292-357)
Sixth Through Eighth Claims for Relief (¶¶ 452-82)	SCACAC Tenth Through Thirteenth Claims (¶¶ 371-97)
Ninth through Tenth Claims (¶¶ 483-94)	FASCAC 21st to 25th claims (¶¶ 270-302)

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TCACAC Paragraph	Tracked From
Eleventh through Fourteenth Claims (¶¶ 495-516)	SSCAC 27th to 30th claims (¶¶ 235-67)
Fifteenth Claim through end of document	SCACAC Twentieth Claim (¶¶ 464-68) through end of document

We hope that this chart and attached redlined complaint assist the Court in its review of the Class Plaintiffs' pleadings and the objections to Magistrate Judge Orenstein's Report and Recommendation on amendment that are currently pending before the Court. In addition to the redline, we are happy to provide the Court with any other material it may find helpful, including electronic Word versions of the Third Amended Complaint and the three prior operative complaints, so that the Court may more robustly search for relevant text in the four documents. Counsel is also available to answer any questions the Court may have about the redline or the process used to create it.

Respectfully submitted,

s/K. Craig Wildfang

K. Craig Wildfang

Attachment

cc: Counsel of Record via ECF & File&ServeXpress

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